

B&W



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,441	09/19/2004	David M. Farmolari	004900.00025

22907
 BANNER & WITCOFF
 1001 G STREET NW
 SUITE 1100
 WASHINGTON, DC 20001



CONFIRMATION NO. 5440

FORMALITIES LETTER



OC000000014176351

Date Mailed: 10/25/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/24/2004 LWONDIM1 00000117 190733 10711441

01 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

John
PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO NOTICE TO FILE MISSING PARTS

MAIL STOP MISSING PARTS

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated October 25, 2004, Applicants submit herewith the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal Sheet;
2. Copy of the Notice to File Missing Parts;
3. Executed Declaration for Patent Application.

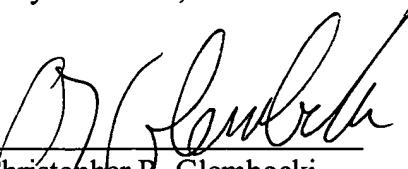
The Commissioner is authorized to charge our Deposit Account No. 19-0733 the amount of \$130.00 as follows:

\$ 130.00 - surcharge for late filing of executed Declaration; and

If any additional fees are required, the Commissioner is authorized to charge our
Deposit Account No. 19-0733.

Respectfully submitted,

By: _____


Christopher R. Glembocki

Registration No. 38,800

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 824-3000

Dated: November 23, 2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

170

Complete if Known	
Application Number	10/711,441
Filing Date	September 19, 2004
First Named Inventor	David M. Famolare
Examiner Name	Unassigned
Art Unit	2681
Attorney Docket No.	004900.00025

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> </tbody> </table> <p>1051 130 2051 65 Surcharge - late filing fee or oath 130</p> <p>1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet.</p> <p>1053 130 1053 130 Non-English specification</p> <p>1812 2,520 1812 2,520 For filing a request for reexamination</p> <p>1804 920* 1804 920* Requesting publication of SIR prior to Examiner action</p> <p>1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action</p> <p>1251 110 2251 55 Extension for reply within first month</p> <p>1252 430 2252 215 Extension for reply within second month</p> <p>1253 980 2253 490 Extension for reply within third month</p> <p>1254 1,530 2254 765 Extension for reply within fourth month</p> <p>1255 2,080 2255 1,040 Extension for reply within fifth month</p> <p>1401 340 2401 170 Notice of Appeal</p> <p>1402 340 2402 170 Filing a brief in support of an appeal</p> <p>1403 300 2403 150 Request for oral hearing</p> <p>1451 1,510 1451 1,510 Petition to institute a public use proceeding</p> <p>1452 110 2452 55 Petition to revive - unavoidable</p> <p>1453 1,370 2453 685 Petition to revive - unintentional</p> <p>1501 1,370 2501 685 Utility issue fee (or reissue)</p> <p>1502 490 2502 245 Design issue fee</p> <p>1503 660 2503 330 Plant issue fee</p> <p>1460 130 1460 130 Petitions to the Director</p> <p>1807 50 1807 50 Processing fee under 37 CFR 1.17 (q)</p> <p>1806 180 1806 180 Submission of Information Disclosure Statement</p> <p>8021 40 8021 40 Recording each patent assignment per property (times number of properties) 40</p> <p>1809 790 2809 395 Filing a submission after final rejection (37 CFR § 1.129(a))</p> <p>1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b))</p> <p>1801 790 2801 395 Request for Continued Examination (RCE)</p> <p>1802 900 1802 900 Request for expedited examination of a design application</p> <p>Other fee (specify) _____</p> <p>*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 170)</p>				Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid								
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Independent Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>-20 **</td> <td>= 0</td> <td>X 18 = 0</td> </tr> <tr> <td>Independent Claims</td> <td></td> <td>-3 **</td> <td>= 0</td> <td>X 88 = 0</td> </tr> <tr> <td>Multiple Dependent</td> <td>0</td> <td></td> <td></td> <td>X 290 = 0</td> </tr> </tbody> </table>				Total Claims	Independent Claims	Extra Claims	Fee from below	Fee Paid			-20 **	= 0	X 18 = 0	Independent Claims		-3 **	= 0	X 88 = 0	Multiple Dependent	0			X 290 = 0
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*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Christopher R. Glembocki	Registration No. (Attorney/Agent)	38,800	Telephone	202-824-3000	
Signature	<i>Christopher R. Glembocki</i>			Date	November 23, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.